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PATENT APPLICATION

ATTORNEY DOCKET NO. 10012893-1IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Burton Poppenga et al.

Confirmation No.: 3075

Application No.: 10/006,692

Examiner: Michael Yigdall

Filing Date: Dec. 10, 2001

Group Art Unit: 2192

Title: System And Method For Efficiently Installing And Configuring Device Drivers In Managed Environments

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450TRANSMITTAL OF REPLY BRIEFTransmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on 8/26/2006.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

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Date of facsimile: August 24, 2006

Typed Name: Joanna Key

Signature: 

Respectfully submitted,

Burton Poppenga et al.

By 
Steven R. Ormiston

Attorney/Agent for Applicant(s)

Reg No.: 35,974

Date: August 24, 2006

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Rev 10/05 (ReplyBri)

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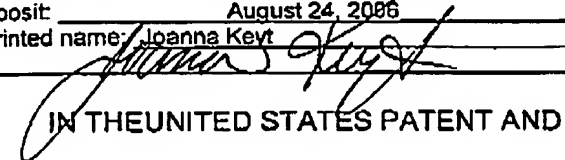
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Signature: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: B. Poppenga et al.)	Confirmation No.: 3075
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Serial No: 10/006,692)	Attorney
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)	Group Art Unit: 2192
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Efficiently Installing And Configuring)	Examiner: M. Yigdoll
Device Drivers In Managed)	
Environments)	

APPELLANTS'/APPLICANTS' REPLY TO THE EXAMINER'S ANSWER**Regarding Ground No. 1 -- Appellants Have Disclosed All Things Relevant To The Claims Involved In The Appeal.**

The Examiner correctly notes that Appellants did not "divulge" in the opening brief the proposed after-final amendment to Claims 24 and 26. The rejection of Claims 24 and 26, however, is not appealed. The proposed after-final amendment to Claims 24 and 26, therefore, would not seem to be relevant to the question of whether or not it was proper for the Examiner to refuse to enter the proposed after-final amendment to Claims 14 and 19. It did not appear necessary or even proper to discuss the Examiner's refusal to enter the proposed after-final amendment to claims not involved in the appeal. No deception was intended.

Regarding Ground No. 2 -- Chiloyan Does Not Teach The Act Of Associating As Claimed.

Claim 15 requires associating discrete identification numbers with the customer for each of a plurality of devices installed in a customer environment. The Examiner

10/006,692
Attorney Docket No. 10012893-1
Reply To The Examiner's Answer
Page 1

argues this act is performed "inherently" anytime a person uses a device with an identification number:

"Furthermore, it should be noted that whoever operates the computer 20 and the device 56 (FIG. 1) is inherently associated with that particular device and its identification numbers. Therefore, in this sense, Chiloyan indeed necessarily associates a particular device identification number with a particular customer or user. In other words, if Customer A uses the computer and the device, then the device identification numbers are associated with Customer A, and if Customer B uses the computer and the device, then the device identification numbers are associated with Customer B. Again, the plain language of the claims calls for nothing further than 'associating the identification numbers with the customer.'"
Examiner's Answer page 6.

The Examiner's argument ignores important claim limitations and, in any event, relies on assumptions not supported by the teachings of Chiloyan. The method of Claim 15 is performed in connection with multiple devices installed in a customer environment – "assigning a discrete identification number to each of a plurality of devices installed in a customer environment." So, in order to perform the act of assigning in Claim 15, there must be a customer environment in which multiple devices are installed. (For convenience, the following discussion assumes just one customer environment. The analysis is the same, however, for more than one customer environment.) The devices, the customer, the customer environment and the identification numbers assigned to the devices are the same for all acts recited in Claim 15. The act of associating the identification numbers with the customer in Claim 15, therefore, requires associating each identification number assigned to each of the multiple devices installed in the customer environment with the customer having the environment.

The user of any one or more of the multiple devices is completely irrelevant to the acts recited in Claim 15 unless the user happens to also be the customer in whose environment the multiple devices are installed. Assuming that the user is the customer in whose environment the multiple devices are installed, and assuming further that using the device constitutes associating the device with the user, and assuming still further that associating the device with the user constitutes associating the identification number assigned to the device with the user, then the user would still have to use all of the devices to even arguably be performing the act of associating the

10/006,692
Attorney Docket No. 10012893-1
Reply To The Examiner's Answer
Page 2

identification numbers assigned to the devices with himself/herself. Chiloyan does not teach or even suggest that any of these assumptions are true.

So far as might be deemed relevant to the claimed subject matter, as noted in the Appellants' Opening Brief, Chiloyan teaches querying a device to obtain a "device descriptor" that includes a "vendor ID and a product ID" used to locate a "network address" in a database that, apparently, associates the vendor ID and/or the product ID with the network address. The appropriate device driver is downloaded from the network address or another address linked to the network address. Chiloyan, paragraphs 0035-0037 and 0041. Appellants have acknowledged that downloading a driver to a computer hosting the device necessarily involves identifying the location of the computer. It may be assumed also that someone uses the computer and the device. Knowing the location of a host computer (or the device itself) for which there is a user, however, does not constitute associating identification numbers assigned to multiple devices with the customer in whose environment the devices are installed. Indeed, Appellants submit that this information cannot even reasonably be deemed to constitute associating a single device ID with the user of the device.

Chiloyan just doesn't teach all of the limitations of Claim 15 (or Claim 20, a computer medium counterpart to Claim 15 reciting similar limitations).

Respectfully submitted,

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10/006,692
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Reply To The Examiner's Answer
Page 3